Release of Indian Nationals detained in Taiwan

922. SHRI RAJNATH SINGH SURYA: Will the PRIME MINISTER be pleased to state:

(a) whether it is a fact that two Indian nationals have been/were illegally detained in Taiwan on an alleged accident in High Seas; and

(b) if so, the details thereof and whether Government have made fresh effort to bring them back to India?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRIMATI VASUNDHARA RAJE): (a) and (b) A merchant navy vessel, MV Kasuga-I, registered in Panama and being managed by Univan Ship Management Limited, Hong Kong, was involved in a collision with a Taiwanese fishing boat on 5 February 1996 about 17 nautical miles off the coast of Taiwan. Only one of the twenty nine crew members on the fishing vessel was reported to have survived-four crew members were killed and twenty four others reported missing. All twenty nine crew members of MV Kasuga-I were detained for questioning by the Taiwanese authorities when it reached the port of Kcclung. On 17 February 1996, twenty six of these twenty nine crew members were released. The Captain of the ship, Captain Raj Kumar Goel, the Third Officer Shri Yoganarasimha Dodla and the Quarter Master Shri Aravind Kumar V. Tandcl were charged with the offence of abandonment under Article 294 of the Code of Criminal Procedure of Taiwan. The case was tried by the Kcclung District Court. In its judgement delivered on 19 July 1996 the Court acquitted Shri Aravind Kumar V. Tandcl and sentenced Captain Goel and Shri Dodla to 4 years imprisonment.

The Univan Ship Management Company appealed against the judgement to the High Court in Taiwan'. In its judgement on 30 September 1997, the High Court rejected the appeal and upheld the judgement of the Keelung District Court. An appeal was filed against the High Court judgement in the Supreme Court.

As is known, the Government of India does not recognise the "Republic of China" on Taiwan nor does it have diplomatic relations with that entity. In the framework of our one-China policy, Government are taking steps to promote trade, investment and tourism with Taiwan. A non-official body called India-Taipei Association maintains an office in Taipei, Taiwan. Through the good offices of the India-Taipei Association in Taipei, contact was maintained with the Captain and other crew members of MV Kasuga-I throughout the period of their detention and the court proceedings. The Director General of the India-Taipei Association office in Taipei as also other representatives of that office attended the court proceedings in person and otherwise rendered necessary assistance to the Indian crew members. 1TA officials met and represented to the concerned authorities in Taiwan. Messrs Univan Ship Management Company were in direct touch with the Directorate General of Shipping, Ministry of Surface Transport, Government of India in regard to the substantive aspects of the case since this is the subject matter of the Directorate General of Shipping.

Taiwan is not a signatory to the Law of the Sea Treaty of 1982. At the trial stage, however, a plea was made that the Taiwanese Court did not have jurisdiction over the case since the incident took place beyond the territorial waters of 12 nautical miles. The Court considered this plea and decided that "according to the passive nationality principle and the objective territorial principle", Taiwan has jurisdiction over this case. The court also held that the deaths took place in the territory of Taiwan and in terms of

Article 3 and Article 4 of its Criminal Code, Taiwanese authorities had jurisdiction in the matter.

The Univan Ship Management Ltd., Hong Kong, the managing company of MV Kasuga-I had appealed against the High Court judgement in the Supreme Court. The Supreme Court, in its judement, has referred the case back to the High Court for rc-cxamination.

The matter has been dealt with by a Court of Law. The shipping management company has exercised the legal remedy available by appealing against the judgement of the High Court. The Supreme Court in its judgement has referred the case back to the High Court for re-examination. Return to India of the two seamen win depend upon the decision of the High Court.

Sino-Pak missile cooperation in World Fora

923. SHRI JANARDHANA POOJARY: Will the PRIME MINISTER be pleased to state:

(a) whether Government have raised in World Fora the issue of Sino-Pak missile cooperation in the light of testing of Ghauri missile by Pakistan on the 6th April, 1998; and

(b) if so, the outcome thereof?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRIMATI VASUNDHARA RAJE): (a) and (b) Government have conveyed our security concerns due to the clandestine nature of Pakistan's missile programme and the active co-operation between China and Pakistan in the area of missiles and related technologies in our bilateral discussions with various countries. India has highlighted the consistent outside support extended to Pakistan in this field despite the existence of multilateral export control regimes, unilateral declarations of restraint and supply restrictions in supplier countries. After the Ghauri missile test, according to its laws, USA imposed sanctions for a two year period on Pakistan's A.Q. Khan Research Laboratories.

Visit of Pakistani Minister to Militant's training camps

924 SHRI JANARDHANA POOJARY: Will the PRIME MINISTER be pleased to state:

(a) whether Government's attention has been drawn to a newspaper report that appeared in the Times of India (New Delhi) dated the 22nd April, 1998 under the caption "Pakistan Minister visits militants' training camp";

(b) whether Government have taken up' the matter with Government of Pakistan and also with other powers such as United States of America, as it is a clear case of encouragement to terrorism in Kashmir by Pakistan; and

(c) if so, the outcome thereof?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRIMATI VASUNDHARA RAJE): (a) Yes, Sir.

(b) Government have constantly covcyed our concern to Pakistan about official support being extended by the Government of Pakistan to terrorism in Kashmir. Our concerns regarding this have also been brought to the notice of the international community, including the United States. This particular incident has also been brought to their notice.

(c) The United States and other countries have on several occasions reiterated that they share our concern over terrorism, and are committed to international cooperation to eradicate this meance. The US State Department's Annual Report on Patterns of Global Terrorism, which was released on 30 April, 1998, also stated that there were continuing reports of officials Pakistani support to militants fighting in Kashmir.